

109TH CONGRESS  
2D SESSION

# H. R. 5179

To amend title XVIII of the Social Security Act to ensure adequate payment amounts for drugs and biologicals under part B of the Medicare Program.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2006

Mr. HALL introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend title XVIII of the Social Security Act to ensure adequate payment amounts for drugs and biologicals under part B of the Medicare Program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. REVISION OF PAYMENT METHODOLOGY FOR**  
4                       **DRUGS AND BIOLOGICALS UNDER MEDICARE**  
5                       **PART B.**

6       (a) FLOOR OF WIDELY AVAILABLE MARKET  
7       PRICE.—Subsection (b) of section 1847A of the Social Se-  
8       curity Act (42 U.S.C. 1395w–3a) is amended—

1           (1) in paragraph (1), by inserting “paragraph  
2           (6) and” after “Subject to”; and

3           (2) by adding at the end the following new  
4           paragraph:

5           “(6) FLOOR OF WIDELY AVAILABLE MARKET  
6           PRICE.—The Secretary shall increase the payment  
7           amount determined under this subsection for a drug  
8           or biological to the extent necessary to ensure that  
9           such payment amount is in no case less than the  
10          widely available market price for the drug or biologi-  
11          cal (as determined under subsection (d) or by the  
12          Secretary).”.

13          (b) TREATMENT OF PROMPT PAY DISCOUNTS.—Sub-  
14          section (c)(3) of such section is amended—

15               (1) in the first sentence, by inserting “fur-  
16               nished to physicians” after “prompt pay discounts”;  
17               and

18               (2) in the second sentence, by inserting “(other  
19               than prompt pay discounts)” after “other price con-  
20               cessions”.

21          (c) EFFECTIVE DATE.—The amendments made by  
22          this section shall apply to drugs and biologicals that are  
23          furnished on or after January 1, 2007.

○